

1 **SENATE FLOOR VERSION**

February 9, 2023

2 **AS AMENDED**

3 SENATE BILL NO. 147

By: Hicks

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5
6 An Act relating to the Diabetes Management in Schools
7 Act; amending 70 O.S. 2021, Section 1210.196.3, which
8 relates to diabetes medical management plans;
9 directing plans to indicate whether written consent
10 has been given for administration of glucagon in
11 certain circumstances; allowing a school district
12 board of education to stock glucagon to treat a
13 student with diabetes under certain circumstances;
14 requiring the board to adopt certain policy;
15 providing contents of policy; establishing length of
16 effectiveness for certain written consent and waiver
17 of liability; allowing certain licensed physician to
18 write a prescription for glucagon to a school
19 district; providing certain construction; requiring
20 certain notification upon certain event; providing
21 for codification; providing an effective date; and
22 declaring an emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 70 O.S. 2021, Section 1210.196.3,
is amended to read as follows:

Section 1210.196.3. A. A diabetes medical management plan
shall be developed for each student with diabetes who will seek care
for diabetes while at school or while participating in a school
activity. The plan shall be developed by the personal health care
team of each student. The personal health care team shall consist

1 of the principal or designee of the principal, the school nurse, if
2 a school nurse is assigned to the school, the parent or legal
3 guardian of the student, and to the extent practicable, the
4 physician responsible for the diabetes treatment of the student.

5 B. The diabetes medical management plan shall indicate whether
6 the parent or legal guardian of the student with diabetes has given
7 written consent for a school nurse, a school employee trained by a
8 health care professional, or a volunteer diabetes care assistant, as
9 defined by Section 1210.196.2 of this title, to **provide diabetes**
10 **care in accordance with Section 1210.196.5 of this title including**
11 **but not limited to the administration of glucagon to a student**
12 **experiencing a hypoglycemic emergency.**

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1210.196.9 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 A. A school district board of education may elect to stock
17 glucagon to treat a student with diabetes who experiences a
18 hypoglycemic emergency or if the student's prescribed glucagon is
19 not available on site or has expired. A board of education that
20 elects to stock glucagon shall adopt a policy that requires:

21 1. The school district to inform, in writing, the parent or
22 legal guardian of each student who has a diabetes medical management
23 plan pursuant to Section 1210.196.3 of Title 70 of the Oklahoma
24 Statutes that a school nurse, a school employee trained by a health

1 care professional, or a volunteer diabetes care assistant, as
2 defined by Section 1210.196.2 of Title 70 of the Oklahoma Statutes,
3 may administer, with parent or legal guardian written consent but
4 without a health care provider order, glucagon to a student with
5 diabetes whom the school nurse, trained employee, or volunteer
6 diabetes care assistant in good faith believes is having a
7 hypoglycemic emergency or if the student's prescribed glucagon is
8 not available on site or has expired;

9 2. A waiver of liability executed by a parent or legal guardian
10 be on file with the school district prior to administration of
11 glucagon; and

12 3. The school district to designate the employee responsible
13 for obtaining the glucagon at each school site.

14 B. Written consent and a waiver of liability executed pursuant
15 to subsection A of this section shall be effective for the school
16 year for which it is granted and shall be renewed each subsequent
17 school year.

18 C. A licensed physician who has prescriptive authority may
19 write a prescription for glucagon to a school district in the name
20 of the district as a body corporate specified in Section 5-105 of
21 Title 70 of the Oklahoma Statutes, which shall be maintained at each
22 school site in accordance with the manufacturer's instructions.
23 Provided, however, that nothing in this section shall be construed
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1 as creating or imposing a duty on a school district to maintain
2 glucagon at a school site or sites.

3 D. In the event a student is believed to be having a
4 hypoglycemic emergency, a school employee shall contact 911 and
5 shall contact the student's parent or legal guardian as soon as
6 possible.

7 SECTION 3. This act shall become effective July 1, 2023.

8 SECTION 4. It being immediately necessary for the preservation
9 of the public peace, health, or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
13 February 9, 2023 - DO PASS AS AMENDED
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